IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 4.12.2006

United India Insurance Company Ltd.

...Appellant

versus

Sangita and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mr.Inderjit Sharma, Advocate
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this FAO arising out of an award dated 31.8.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Karnal, in MACT Case No.342 of 2005, awarding a sum of Rs.18,61,120/- with 7.5% interest per annum from the date of institution of the claim petition, we have examined the award carefully. Deceased Vinod Kumar, aged about 35 years, was working as Section Officer in the office of the Executive Engineer, HUDA Division, Karnal, and was drawing a salary of Rs.15,426/- per month. On the date of accident, he was going on his scooter, which was struck against by the offending vehicle from behind and that is how the accident took place. The multiplier applied however appears to be reasonable, so is the compensation amount. Moreover, learned counsel fairly submitted before the Court that the Insurance Company was not granted permission under Section 170 of the Motor Vehicles Act, 1988 (for

short `the Act') to contest the case on merits, although the appeal has been filed only on the quantum of compensation. Thus, it is not open for the Insurance Company to raise this plea or any other plea on merits.

Accordingly, the FAO is dismissed in limine.

(UMA NATH SINGH)
JUDGE

December 4, 2006 **(MAHESH GROVER)**
pk **JUDGE**